

***ATTORNEY/CLIENT PRIVILEGED MATERIAL*****TELEFAX COVER SHEET**

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TO: Commissioner of Patents

FAX NO.: (703) 872-9315

FROM: Eamon Wall

DATE: 12/18/02

MATTER: USSN 09/458,896; Attorney Docket No.: DIVA/038

True copies of our October 1, 2002 response to the Office Action mailed September 16, 2002 are enclosed. Although we received the PTO Auto-Reply Facsimile Transmission (copy enclosed), the Examiner advised today that the response is not logged in. PLEASE ADVISE.

Thank you.

***ATTORNEY/CLIENT PRIVILEGED MATERIAL***

## TELEFAX COVER SHEET

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TO: Commissioner of Patents  
FAX NO.: 703-872-9315  
FROM: EAMON J. WALL  
DATE: 10/1/02  
MATTER: Serial No. 09/458,896 Filed: 12/10/99  
DOCKET NO.: DIVA/038  
APPLICANT: Bertram et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

Petition  
 Disclosure Statement & PTO-1449  
 Priority Document  
 Drawings (1 sheet) - change encircled  
 Response Under 37 CFR 1.116

Transmittal letter (2 copies)  
 Fcc Transmittal (2 copies)  
 Deposit Account Transaction  
 Facsimile Transmission Certificate  
dated 10/1/02

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Assistant  
Commissioner for Patents, Washington, DC 20231 on 10/01/02, Facsimile No.  
703-872-9315.

LAURA E. CRATER  
Name of person signing this certificate

  
Signature and date  
10/01/02

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

		Application Number	09/458,896
		Filing Date	12/10/99
		First Named Inventor	Bertram
		Group Art Unit	2665
		Examiner Name	M. Molinari
Total Number of Pages in This Submission		Attorney Docket Number	DIVA/038

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks  The Commissioner is authorized to charge any underpayment or credit any overpayment of fees (including but not limited to any extension fees pursuant to 1.136(a)), to Deposit Account 20-0782. A duplicate copy of this transmittal is attached. Applicants do not believe that any additional fee is due.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Eamon J. Wall, Reg. No. 39,414
Signature	
Date	10/1/02

#6/Records  
(NE)  
Official May  
1/6/03

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

RECEIVED  
12/19/02 YB

Applicant(s): **Bertram et al.**  
Case: **DIVA/038**  
Serial No.: **09/458,896** Filed: **December 10, 1999**  
Group Art Unit: **2665**  
Examiner: **Molinari, Michael J.**  
Title: **METHOD AND APPARATUS FOR INJECTING INFORMATION  
ASSETS INTO A CONTENT STREAM**

COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

SIR:

RESPONSE UNDER 37 C.F.R. §1.116

In response to the final Office Action mailed September 16, 2002 (Paper No. 5), please consider the above-identified patent application as follows.

REMARKS

This response is intended as a full and complete response to the final Office Action dated September 16, 2002. In the final Office Action, the Examiner notes that claims 1-17 are pending, of which claims 1-17 stand rejected.

In view of the following discussion, the applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. It is to be understood that the applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the applicants' subject matter recited in the present claims. Thus, the applicants believe that all of these claims are now in allowable form.

1. 35 U.S.C. §102  
Claims 1-4, 6-8, and 10-16